



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 22, 1995

Mr. John D. Kimbrough  
Attorney  
Orange County Courthouse  
Orange, Texas 77630

OR95-781

Dear Mr. Kimbrough:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 29553.

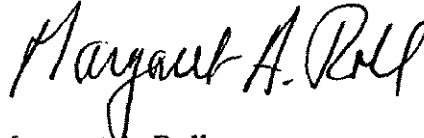
The Orange County Sheriff's Department has received a request for "the last known address" of a certain person. You indicate that the person whose address is requested is a suspect in a criminal investigation, but has not been formally charged with an offense. You seek to withhold the requested information under section 552.108 of the Government Code.

Section 552.108 excepts from required public disclosure "[a] record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime." When applying section 552.108, this office distinguishes between information relating to cases that are still under active investigation and other information. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Whether information falls within the section 552.108 exception must be determined on a case-by-case basis. Open Records Decision No. 434 (1986) at 2.

You indicate that the requested information relates to a pending criminal investigation. The requested information is not first page offense report information until the suspect is arrested for an offense. Therefore, the requested information may be withheld from required public disclosure under section 552.108 of the Government Code until the individual is arrested for the offense or until the individual is no longer a suspect.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive style with a large, stylized "M" and "R".

Margaret A. Roll  
Assistant Attorney General  
Open Government Section

MAR/GCK/rho

Ref.: ID# 29553

cc: Mr. Bob Wortham  
Reaud, Morgan & Quinn, Inc.  
801 Laurel Street  
Beaumont, Texas 77701  
(w/o enclosures)